

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK**

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PRECIOUS STEPHENS,

Plaintiff,

- against -

1199 SEIU, AFL-CIO and BAYVIEW NURSING  
AND REHABILITATION CENTER,

Defendants.  
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**ORDER**

CV 07-596 (MKB) (AKT)

**A. KATHLEEN TOMLINSON, Magistrate Judge:**

The Court has received the update [DE 80] provided by Plaintiff's counsel regarding deposition costs. After conferring with Judge Brodie, the Court hereby issues the following directives:

1. The Federal Rules call for a presumptive limit of seven (7) hours deposition time for any witness. Even though it is the deposition of the plaintiff that is at issue here, the Court fails to see why counsel need three days to depose the plaintiff, particularly since this is not a trial-preservation deposition. The Court is granting a maximum of two (2) days to get this deposition completed and fully expects that the parties will expend less time than that getting down to the key issues and material facts directed solely to the claims and defenses asserted in this case.
2. Plaintiff will bear the cost of the telephone hook-up to Jamaica and the daily fee for the conference room in Jamaica. The costs for the court reporter and the transcript are to be borne by the defendants, just as they would be responsible for these costs if the deposition were being taken in New York. It is the defendants who are seeking plaintiff's testimony in order to fulfill their previously stated intention to move for summary judgment.
3. Plaintiff's counsel is requested to complete and submit expeditiously to Judge Brodie the EDNY form to apply for coverage of expenses in assigned counsel cases once Attorney DeVita has recalculated those expenses in light of this Order. The forms are available on the EDNY website. However, the Court is also forwarding a hard copy to plaintiff's counsel as a courtesy.

**SO ORDERED.**

Dated: Central Islip, New York  
September 17, 2012

/s/ A. Kathleen Tomlinson  
A. KATHLEEN TOMLINSON  
U.S. Magistrate Judge